

REMARKS

Claims 1-14 and 16-35 are pending.

103 Rejections

The instant Office Action states that Claims 1-14 and 16-35 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Bindra, *electronic design article* dated November 6, 2000, “Programmable SoC Delivers an New Level of System Flexibility” (hereinafter, “Bindra”), in view of “PSoC Designer: Integrated Development Environment, Getting Started 25-Minute Tutorial” Revision 1.0 dated July 3, 2001 (hereinafter, “Tutor”).

Applicant respectfully agrees that Bindra does not address “automatically constructing source code,” as admitted throughout the Office Action.

Tutor is cited to correct Bindra’s deficiencies. However, Tutor does not qualify as prior art. Applicant has already filed a suitable disclaiming affidavit establishing that the relevant portion of Tutor was derived from Applicant’s own work. Tutor has a date of July 3, 2001, within one year of the filing date of the instant application. It is well established that Applicant’s disclosure of his own work within the year before the application filing date cannot be used against him.

Furthermore, submitted with this response is a declaration under 37 CFR § 1.132. The declaration indicates that the PSoC Designer mentioned in Bindra was, as of the date of the Bindra reference, in development but was not reduced to practice, productized, in use or on sale. The declaration also indicates that

the PSoC Designer mentioned in Bindra, as of the date of the Bindra reference, did not include the embodiments of the present invention as claimed. The declaration also indicates that the embodiments of the present invention as claimed are not included in the PSoC Designer mentioned in Bindra because they were not yet implemented as of the date of the Bindra reference. The declaration further indicates that the devices mentioned under "Price & Availability" in Bindra were not designed using the embodiments of the present invention as claimed. Furthermore, the declaration indicates that other items mentioned under "Price & Availability" in Bindra (in addition to the aforementioned devices) do not include the embodiments of the present invention as claimed.

The instant Office Action attempts to argue that the "PSoC Designer" of Bindra is the same tool as the "PSoC Designer" of the disqualified Tutor reference. In light of the declaration submitted with this response, Applicant respectfully submits that Bindra and Tutor do not describe the same tool.

Applicant respectfully submits that the present claimed invention was not in public use or on sale in this country more than one year prior to the date of application. Therefore, the Applicant respectfully asserts that the Examiner has not established a *prima facie* case.

Accordingly, Applicant respectfully requests that the rejection of Claims 1-14 and 16-35 under 35 U.S.C. § 103(a) be withdrawn.

Conclusions

In light of the above remarks, reconsideration of the rejected claims is respectfully requested. Based on the arguments presented above, it is respectfully asserted that Claims 1-14 and 16-35 overcome the rejections of record and, therefore, allowance of these claims is solicited.

The Examiner is invited to contact Applicant's undersigned representative if the Examiner believes such action would expedite resolution of the present Application.

Respectfully submitted,

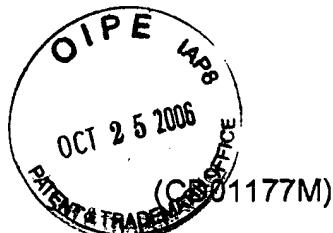
WAGNER, MURABITO & HAO LLP

Date: 10/25/06



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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
Ogami) Examiner: VO, T.
Serial No.: 09/998,848) Art Unit: 2191
Filed: November 15, 2001) Confirmation No.: 6884
For: DESIGN SYSTEM)
PROVIDING AUTOMATIC)
SOURCE CODE)
GENERATION FOR)
PERSONALIZATION AND)
PARAMETERIZATION OF)
USER MODULES)

DECLARATION UNDER 37 C.F.R. §1.132
TRAVERSING GROUNDS OF REJECTION

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

I, Kenneth Y. Ogami, do hereby declare and say:

1. My home address is 14232 93rd Ave., NE, Bothell, WA 98011.
2. I am currently an employee of Cypress MicroSystems.

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Art Unit: 2191

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Examiner: Vo, T.

3. On November 13, 2001, I signed a declaration stating that I believe that I am an original and sole inventor of the subject matter that is claimed in the U.S. Patent Application with Serial No. 09/998,848, entitled "Design System Providing Automatic Source Code Generation for Personalization and Parameterization of User Modules" (hereinafter, the present Patent Application). The present Patent Application was filed in the United States Patent and Trademark Office on November 15, 2001. The declaration stating that I believe I am an original and sole inventor of the subject matter claimed in the present Patent Application was filed in the United States Patent and Trademark Office, along with the present Patent Application.

4. I have studied the entire specification, drawings, and claims of the present Patent Application. I understand the language of the claims and the scope thereof. I understand the embodiments of the present invention as claimed in the present Patent Application.

5. I have reviewed the document identified as "Programmable SoC Delivers A New Level Of System Flexibility" by Ashok Bindra (hereinafter, "the Bindra reference"). The Bindra reference is dated November 6, 2000, and mentions a "PSoC Designer."

6. It is my belief that the PSoC Designer mentioned in the Bindra reference was, as of the date of the Bindra reference, in development but was not reduced to practice, productized, in use or on sale.

7. It is my belief that the PSoC Designer mentioned in the Bindra reference, as of the date of the Bindra reference, did not include the embodiments of the present invention as claimed in the present Patent Application.

8. It is my belief that the embodiments of the present invention as claimed in the present Patent Application are not included in the PSoC Designer mentioned in the Bindra reference because they were not yet implemented as of the date of the Bindra reference.

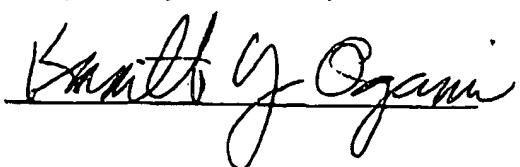
9. It is my belief that the devices mentioned under "Price & Availability" in the Bindra reference were not designed using the embodiments of the present invention as claimed in the present Patent Application.

10. It is my belief that other items mentioned under "Price & Availability" in the Bindra reference (in addition to the aforementioned devices) do not include the embodiments of the present invention as claimed in the present Patent Application.

11. I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Respectfully submitted,

Date: October 25, 2006



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Art Unit: 2191

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Serial No. 09/998,848
Examiner: Vo, T.

Signature

Full Name: Kenneth Y. Ogami

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Examiner: Vo, T.